



**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

M 1956 N

HEI-35  
(purged copy)  
Public Health Service

Food and Drug Administration  
New York District Office  
850 Third Avenue  
Brooklyn, NY 11232-1593

Telephone: [718] 340-7000 [EXT 5301]

**WARNING LETTER**

August 4, 1998

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Alan Clark  
President  
Mincing Trading Corporation  
528 Ferry Street  
Newark, NJ 07105

Ref: 38-NYK-98

Dear Mr. Clark:

The Food and Drug Administration (FDA) has information which shows that your firm violated the Federal Food, Drug and Cosmetic Act.

On May 31, 1998 FDA sent an electronic message to your customs broker [REDACTED] that entry D77-0076543-2 of paprika must be held intact and not distributed. This product was to be examined or sampled by FDA when available. Mincing Trading Corporation or your import broker were required to provide FDA with a location and time for our examination or sample collection of the following:

Entry D77-0076543-2, Line 1-1, Paprika, Ground, Cracked, a total of [REDACTED] bags, each 50 pounds.

Product location was not provided. Subsequently, on July 16, 1998 FDA sent a follow-up facsimile to Galaxy Customhouse Brokers concerning the

Mr. Alan Clark, President  
Mincing Trading Corporation

status of the paprika from the above referenced entry. We were subsequently informed by Mr. Carlton Peterson, import manager of Mincing Trading, that the entire shipment of ~~bags~~ bags of paprika had been sold and distributed.

This action taken by your firm is in violation of 21 CFR 1.90, which requires an importer to hold an entry intact pending receipt of a "May Proceed" or "Release Notice" from the FDA. A "Release" by the U.S. Customs Service is a conditional release which merely permits you to take possession of the shipment. When other Federal agencies, such as FDA also exercise jurisdiction over a product offered for importation, their release must also be obtained before a product may be legally distributed.

Failure to promptly correct this violation and prevent future violations may result in regulatory action without further notice, such as seizure, injunction, or automatic detention to ensure that imported products are held intact until released by FDA. It is your responsibility, as the importer, to ensure that imported products meet all requirements of the Federal Food, Drug and Cosmetic Act and the regulations promulgated thereunder.

Within fifteen (15) working days of receipt of this letter, please notify our office in writing of the specific steps you have taken to correct the violation, including an explanation of each step being taken to prevent the reoccurrence of the violation.

A copy of this letter, except for any confidential, personal, or commercial information will be placed on public display no earlier than fifteen (15) days after the date of this letter. Your response will be on public display with any confidential, personal or commercial information purged.

Your response should be addressed to the Food and Drug Administration, Attention: Joseph V. Sollazzo - Compliance Officer, Port Elizabeth Resident Post, 1201 Corbin Street, Port Elizabeth, New Jersey 07201 (telephone 1-732-645-2386 extension 20).

Page 3

Mr. Alan Clark, President  
Mincing Trading Corporation

Sincerely,

*Brenda Holman / CCA*

Brenda Holman  
District Director  
New York District Office

cc:

[REDACTED]